IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.No.1949 of 2007

DATE OF DECISION: APRIL 17, 2007

Naib Singh

...PETITIONER

VERSUS

Baljit Singh

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.K.Khunger, Advocate,
for the petitioner.

...

The defendant has filed this petition under Article 227 of the Constitution of India for setting aside the order dated 2.4.2007 passed by the Civil Judge (Sr.Division), Muktsar, whereby his application for recalling the plaintiff's witnesses, i.e., PW2, PW3 and PW4 for further cross-examination, has been dismissed.

I have heard the counsel for the petitioner and gone through the impugned order. The aforesaid application was filed by the petitioner at the time of arguments. In the application, it has been stated that when the aforesaid plaintiff's witnesses were cross-examined by the counsel for the petitioner, some questions could not be asked, though in the application it has not been stated what type of questions were not asked and what were the infirmities in the cross-examination. The trial court after taking into consideration the facts and circumstances of the case, came to the conclusion that the said application was filed by the defendant with intention to prolong the case. It has been held that on earlier occasion, no

such request was ever made and the defendant was given full opportunity to cross-examine the plaintiff's witnesses and they were actually cross-examined at great length. Thus, no ground for interference in exercise of the superintending powers of this Court under Article 227 of the Constitution of India is made out.

Dismissed.

April 17, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE